

REMARKS

In the Office Action, the Examiner rejected Claims 1-5 and 7-17, which were all of the then pending claims, under 35 U.S.C. §103 as being unpatentable over the prior art, principally U.S. Patents 6,092,114 (Shaffer, et al.) and 6,549,918 (Probert, Jr. et al.). More specifically, Claims 1, 2, 4, 5, 8, 9 11-13 and 15-17 were rejected as being unpatentable over Shafer, et al. in view of Probert, Jr. et al. Claims 3, 10 and 14 were rejected as being unpatentable over Shaffer, et al. in view of a document titled "Conversion Service" (CERN), and Claim 7 was rejected as being unpatentable over Probert, Jr. et al. in view of CERN.

The rejections of Claims 1-5 and 7-17 are respectfully traversed for the reasons set forth below.

Also, this opportunity is being taken to make editorial changes to Claim 17, and to add new Claims 18 and 19, which are dependent from Claim 17, to describe preferred features of the invention.

The rejection of independent Claims 1, 8 and 12 are respectfully traversed because these rejections are based on what is believed to be an incorrect interpretation of Shaffer, et al. and Probert, Jr. et al. Specifically, in rejecting Claims 1, 8 and 12, the Examiner argued, on page 3 of the Office Action, that Shaffer, et al. discloses the step of "if the data file is not compatible with the computer, transmitting the data file over the Internet from said computer to a universal server."

It is respectfully submitted that this is not how the procedure disclosed in Shaffer, et al. actually works. Instead, with the procedure described in Shaffer, et al, when the computer determines that the data file is not compatible, a message, not the data file itself, is sent to a server requesting that the server reformat the data file. Usually, this request is sent to the server that originally sent the data file to the computer, but it may also be sent to other servers.

This particular aspect of the procedure disclosed in Shaffer, et al. is specifically discussed in Column 3, lines 4-11 and lines 21-37, and in Column 5, lines 22-43. Shaffer, et al. describes a number of ways to request that the file be converted, but, significantly, in none of these procedures is the data file itself actually sent to a converting server. In fact, Shaffer, et al. actually teaches away from sending the data file to a server. Shaffer, et al. does this by specifically stating that "it is not necessary to upload the attachment" (Column 3, lines 9 and 10, and again in Column 5, lines 11 and 12.

In addition, in the Office Action, as part of the basis for rejecting Claims 1, 8 and 12, the Examiner argued that Probert, Jr. et al. discloses "the universal server transforming the data file into a format compatible with the specified operating system of the computer" (Office Action, page 3, lines 13-15.

Probert, Jr. et al. discloses an operating system layer between software components or application programs that expect information to be in one format and a persistent store manager of the operating system which maintains the information in its persistent form. This operating system provides on the fly conversion between the file format expected by the application layer and the format used by the persistent store manager. In view of the expressly stated objective – to provide "on the fly" conversion – and because of the fact that this conversion software is

referred to as an "operating system layer," the clear teaching of Probert, Jr. et al. is to provide this conversion software on the computer not a remote server.

Thus, the prior art of record does not disclose or suggest the feature of, when the computer determines that a data file is not compatible with the computer's operating system, sending that data file over the Internet from the computer to a remote server to convert the file to a format that is compatible with the computer's operating system.

Claims 2-5 and 17 are dependent from Claim 1, Claims 9-11 are dependent from Claim 8, and Claims 13-16 are dependent from Claim 12. The rejections of Claims 2-5, 9-11 and 13-17 are traversed for the same reasons advanced above in connection with Claims 1, 8 and 12.

The rejection of Claim 7 is also traversed because it is based on the above-discussed incorrect interpretation of Probert, Jr. et al. Specifically, in rejecting Claim 7, the Examiner argued, on page 8 of the Office Action, that Probert, Jr. et al. discloses "if the format is not compatible, sending the data from the computer over a network to a remote Universal Driver," and "on the Universal Driver, reformatting the data into a format compatible to the OS."

As discussed above, because of the emphasis placed in Probert, Jr. et al of performing the conversion "on the fly" and because of the fact that Probert, Jr., et al. describes the conversion software is referred to as "operating system layer," Probert, et al. plainly teaches performing the conversion on the computer – not any remote device.

Probert, Jr. et al. thus teaches the approach that is discussed in the Background section of the present application. As discussed in that Background, this prior art approach has a disadvantage in that it is difficult to find all the types of filters that would be needed so that every type of file can be converted.

The other references of record have been reviewed, and it is believed that these other references, whether considered individually or in combination, are no more pertinent than Shaffer, et al. and Probert, Jr. et al. For instance, CERN was cited for its disclosure of a user identifying user requirements, and reformatting a file in accordance with those requirements. Clearly, however, CERN does not disclose or suggest the way in which the data files are reformatted as described in Claims 1, 7, 8 and 12.

Because of the above-discussed differences between Claims 1, 7, 8 and 12 and the prior art, and because of the advantages associated with those differences, these claims patentably distinguish over the prior art and are allowable. Claims 2-5 and 17-19 are dependent from Claim 1, and are allowable therewith. Likewise, Claims 9-11 are dependent from Claim 8 and are allowable therewith; and Claims 13-15 are dependent from, and are allowable with, Claim 12. The Examiner is thus respectfully requested to reconsider and to withdraw the rejections of Claims 1-5 and 7-17 under 35 U.S.C. §103, and to allow these claims and new Claims 18 and 19.

Every effort has been made to place this application in condition for allowance, a notice of which is requested. If the Examiner believes that a telephone conference with Applicants' Attorneys would be advantageous to the disposition of this case, the Examiner is asked to telephone the undersigned.

Respectfully submitted,

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